



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,402	03/13/2007	Chettan Karsan	KARSAN - 1 PCT	2570

25889 7590 09/17/2009
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

EXAMINER

EDWARDS, BRETT J

ART UNIT	PAPER NUMBER
----------	--------------

3781

MAIL DATE	DELIVERY MODE
-----------	---------------

09/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,402

Applicant(s)

KARSAN, CHETTAN

Examiner

Brett Edwards

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-28 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Group I:

- Species I, Fig. 1-4, drawn to a container with a pin-and-socket rotary connection
- Species II, Fig. 5, drawn to a container with a bending member rotary connection
- Species III, Fig. 17, drawn to a container with an elastic rotary connection

Group II:

- Species I, Fig. 1-6 and 15, drawn to a container with a pin-and-guide shift connection
- Species II, Fig. 16, drawn to a container with a double pivot shift connection
- Species III, Fig. 17, drawn to a container with an elastic connection

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims

subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

Group I:

Species I – Claims 6 and 24

Species II – Claim 7

Species III – Claim 8

The following claim(s) are generic to this group: 1-5, 9-23 and 25-28.

Group II:

Species I – Claims 9, 23 and 24

Species II – Claim 10

Species III – Claim 11

The following claim(s) are generic to this group: 1-8, 12-22 and 25-28.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

Group I, Species I-III lack unity of invention because even though the inventions of these groups require the technical feature of a container with a rotary connection, this technical feature is not a special technical feature as it does not make a contribution over the prior art, which is demonstrated by Miyahara (US 6129237). Miyahara discloses a container comprising a case (1), a lid (12,13) and a support (16), in which

Art Unit: 3781

there are first means (19, 20) to effect a rotary connection of the case to the lid, and second (18) and third (17) means to effect a rotary connection of the case and lid respectively to the support, the first means being intermediate between the second and third means (with respect to a vertical axis), at least one of the said means being adapted to effect also a shift connection (Fig. 1-3, 5 and 6; Col. 2, ll. 50- col. 3, ll. 48). Miyahara further discloses the rotary connection comprises a pin-and-socket rotary connection (17, pin not shown) (Fig. 4).

The species of Group I are distinct since a rotary connection could not be more than one of the Species simultaneously (e.g., the pin-and-socket taught by Miyahara could not also be a bending member or an elastic rotary connection).

Additionally, Group II, Species I-III lack unity of invention because even though the inventions of these groups require the technical feature of a container having a shift connection, this technical feature is not a special technical feature as it does not make a contribution over the prior art as demonstrated by Miyahara. Miyahara further discloses the aforementioned shift connection means comprises a pin-and-guide connection (19, 20) (Col. 3, ll. 23-30).

The species of Group II are distinct since a shift connection could not be more than one of the Species simultaneously (e.g., the pin-and-guide connection taught by Miyahara could not also be a bending member or an elastic connection).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brett Edwards whose telephone number is (571)270-1443. The examiner can normally be reached on M-Th 8:30 AM - 7 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/567,402
Art Unit: 3781

Page 6

/Anthony Stashick/
Supervisory Patent Examiner, Art
Unit 3781

/B. E./
Examiner, Art Unit 3781